

Marino, Steven

From: Marino, Steven
Sent: Wednesday, December 28, 2016 1:28 PM
To: Griffinger, Michael R.; 'Elias, Joshua R.'; Conca, David M.; Rupert, Melanie R.; Tymoczko, Nicholas; Tung, Annie
Cc: csaveriano@hillwallack.com; Lo, Shon; Chu, Michael; O'Shaughnessy, Michael; Baker, Jodi; Duttry, Rebecca Harker; Thomas Kenney (tom@piercemandell.com); Hynes, Michael D.; Pollack, Stuart; Wigotsky, Michael; Huang, Catherine; Anderson, Jacob
Subject: RE: Immunomedics v. RWMC, et al., Case No. No. 2:15-cv-04526

Michael:

We received your December 27th letter (Dkt. No. 116), and we write in response to it.

As you know, Mr. Tymoczko informed us on the evening before responses were due that your clients would not respond at all to our discovery requests until the pending motion to dismiss is resolved. Although we replied to Mr. Tymoczko within 15 minutes, no response was provided later that evening or on Friday. Thus, in the absence of withdrawing Mr. Tymoczko's definitive position, it is unclear how further discussions would have been beneficial prior to us seeking judicial intervention.

Your letter nonetheless proposes that the parties now meet and confer to address "whether the parties can reach agreement on discovery of the four new Defendants." Our position is simple and zero sum. There is no automatic stay of discovery pending resolution of a motion to dismiss, and your clients have not obtained such an order or otherwise sought judicial relief. Thus, in the absence of such an order, your clients are obligated to respond to our discovery requests. We are willing to (i) afford your clients 14 days to provide full and complete responses and (ii) meet and confer regarding normal discovery-related issues, such as how many custodial files to search, what search terms to run, the relevant date ranges, etc. If agreeable, we will withdraw our letter to Judge Mannion.

If you would like to discuss further, we are available this afternoon for a call.

Thank you,

Steven R. Marino

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From: Elias, Joshua R. [<mailto:JElias@gibbonslaw.com>]

Sent: Tuesday, December 27, 2016 10:13 PM

To: Hynes, Michael D.; Pollack, Stuart; Wigotsky, Michael; Huang, Catherine; Anderson, Jacob; Marino, Steven

Cc: csaveriano@hillwallack.com; Lo, Shon; Chu, Michael; O'Shaughnessy, Michael; Baker, Jodi; Duttry, Rebecca Harker;

Thomas Kenney (tom@piercemandell.com); Conca, David M.; Rupert, Melanie R.; Tymoczko, Nicholas; Tung, Annie; Griffinger, Michael R.

Subject: Immunomedics v. RWMC, et al., Case No. No. 2:15-cv-04526

Counsel,

On behalf of Defendants Sorrento Therapeutics, Inc., TNK-Therapeutics, Inc., BDL Products, Inc. and CARgenix Holdings, LLC, attached please find the following documents that were filed with the Court this evening via ECF:

- Letter from Michael R. Griffinger to Hon. Steven C. Mannion, U.S.M.J.;
- Redacted Reply Brief in Further Support of Motion to Dismiss for Lack of Personal Jurisdiction;
- Notice of Motion to Seal;
- Declaration of Michael R. Griffinger in Support of Motion to Seal;
- Proposed Form of Order on Motion to Seal; and
- Unredacted Reply Brief in Further Support of Motion to Dismiss for Lack of Personal Jurisdiction (Filed Under Seal).

Thank you,

Joshua R. Elias
Director, Gibbons P.C.

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